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Docket No.: OHK-0012
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshihiro Sekiya et al.

Application No.: 10/560,046

Confirmation No.: 8184

Filed: December 8, 2005

Art Unit: 3753

For: SLIDE DOOR DEVICE FOR AIR-
CONDITIONER

Examiner: J. K. Ford

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the Restriction Requirement dated April 2, 2009, Applicants hereby provisionally elect, **with traverse**, Group 1, claims 1-6, for continued examination. Applicants further elects "First overall species of Figure 2" (readable on claims 1-15 and 18-20), "First species of tension applying means of Figures 4-5" (readable on claims 1, 3-5) and "First seal species of Figure 27" (readable on claims 28-34).

The reference required by the Examiner (Japanese Patent Application No. 2002-379903, which was published as Unexamined Patent Publication No. 2004-210034) is submitted herewith together with the Information Disclosure Statement and other references cited in the specification of the above identified application.

The Examiner alleges on pages 2 - 3 of the Office Action that the inventions listed as Groups 1 - 7 are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner incorporates by reference the detailed analysis in the restriction requirement made in the supplemental European search report for application EP 04745687.6-2423 issued

March 4, 2008 and made of record in this application by applicants on April 9, 2008. We disagree.

At least claims 7 – 13 (Group 2), 14 – 17 (Group 3) and 18 – 20 (a part of Group 4) depend on claim 1 and commonly include special technical features of claim 1. Further, as admitted by the Examiner, claims 18 – 20 and 28 – 34 are so related as to form a common Group 4. Thus, Applicants submit that at least claims 1 – 20 and 28 – 34 form a single general inventive concept under PCT Rule 13.1.

PCT Rule 13.2 reads as follows:

13.2. Circumstances in Which the Requirement of Unity of Invention Is To Be Considered Fulfilled

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when **there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features**. The expression “special technical features” shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. (Emphasis added.)

Further, MPEP § 1850 II. States as follows:

Whether or not any particular technical feature makes a “contribution” over the prior art, and therefore constitutes a “special technical feature,” should be considered with respect to novelty and inventive step. * * *

Although lack of unity of invention should certainly be raised in clear cases, it should neither be raised nor maintained on the basis of a narrow, literal or academic approach. There should be a broad, practical consideration of the degree of interdependence of the alternatives presented, in relation to the state of the art as revealed by the international search or, in accordance with PCT Article 33(6), by any additional document considered to be relevant. If the common matter of the independent claims is well known and the remaining subject matter of each claim differs from that of the others without there being any unifying novel inventive concept common to all, then clearly there is lack of unity of invention. **If, on the other hand, there is a single general inventive concept that appears novel and involves inventive step,** then there is unity of invention and an objection of lack of unity does not arise. (Emphasis added.)